

ESTTA Tracking number: **ESTTA564107**

Filing date: **10/09/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204826
Party	Plaintiff Boston Red Sox Baseball Club Limited Partnership, and Chicago White Sox, Ltd.
Correspondence Address	MARY L KEVLIN COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES sis@cll.com, trademark@cll.com, mlk@cll.com, jmn@cll.com
Submission	Other Motions/Papers
Filer's Name	Aryn M. Emert
Filer's e-mail	ame@cll.com, rsm@cll.com, trademark@cll.com, mlk@cll.com, jmn@cll.com
Signature	/Aryn M. Emert/
Date	10/09/2013
Attachments	SOXX - Protective Order.pdf(246799 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/373,925
Filed: July 18, 2011
For Mark: SOXX
Published in the Official Gazette: October 25, 2011

-----X	
BOSTON RED SOX BASEBALL CLUB LIMITED :	: Opposition No. 91204826
PARTNERSHIP, and CHICAGO WHITE SOX,	
LTD.,	
Opposers,	
v.	
INC INTERNATIONAL COMPANY,	
Applicant.	
-----X	

STIPULATED PROTECTIVE ORDER

IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto,
that:

1. Any party, or non-party, that produces information in connection with this case orally during testimony at depositions, in writing or through the production of documents or otherwise during the opposition proceeding which it reasonably believes in good faith to be confidential or highly confidential in nature may designate such information for protection under this order, and the information so designated ("Protected Material") shall thereafter be subject to the provisions of this Stipulated Protective Order.

2. Protected Material shall be designated by the party producing it as either "CONFIDENTIAL" or "CONFIDENTIAL -- COUNSEL ONLY" at the time that a response to discovery is made by placing or affixing a "CONFIDENTIAL" or

"CONFIDENTIAL – COUNSEL ONLY" notice in writing on documents containing such Protected Material, except that in the case of depositions, the party's counsel wishing to designate portions of a deposition as containing Protected Material may do so by making an appropriate statement at the time of the giving of such testimony, or by notifying opposing counsel in writing within 10 days of receipt of the transcript. Pending such 10 day review period, all materials contained in the transcript and exhibits are to be treated as CONFIDENTIAL – COUNSEL ONLY. Any designation of Protected Material which is inadvertently omitted during document production may be corrected by written notification to opposing counsel, and such documents shall thereafter be treated as Protected Material in accordance with the provisions of this Stipulated Protective Order.

3. Protected Material classified CONFIDENTIAL under Paragraph 2 above may be disclosed only to the following persons, except upon the prior written consent of the designating party or upon order of the Trademark Trial and Appeal Board (the "Board"):

(a) outside counsel of record and in-house counsel for the parties and for Major League Baseball Properties, Inc., and the necessary clerical and legal support personnel employed by such counsel;

(b) the Board and its employees;

(c) employees of Opposers, Applicant and Major League Baseball Properties, Inc. who are participating in the opposition proceeding;

(d) witnesses during the course of their depositions, provided that the witness agrees in writing to be bound by this Stipulated Protective Order by executing a copy of the declaration attached hereto as Exhibit A. Such witness shall not be permitted to

retain possession of any Protected Material following completion of his or her deposition;
and

(e) independent consultants and experts retained by counsel of record to assist in connection with this action subject to the provisions contained in paragraph 6 of this Stipulated Protective Order.

4. Protected material classified CONFIDENTIAL – COUNSEL ONLY under Paragraph 2 above may not be disclosed by any person to anyone other than:

(a) outside counsel of record and in-house counsel for the parties and for Major League Baseball Properties, Inc., and the necessary clerical and legal support personnel employed by such counsel;

(b) the Board and its employees;

(c) witnesses during the course of their depositions, provided that the witness agrees in writing to be bound by this Stipulated Protective Order by executing a copy of the declaration attached hereto as Exhibit A. Such witness shall not be permitted to retain possession of any Protected Material following completion of his or her deposition;
and

(d) independent consultants and experts retained by counsel of record to assist in connection with this action subject to the provisions contained in paragraph 6 of this Stipulated Protective Order.

5. Counsel of record for the receiving party shall provide to counsel of record for the producing party copies of all non-disclosure agreements (Exhibit A) executed pursuant to this Stipulated Protective Order.

6. All Protected Material disclosed in this case shall be used by the counsel, authorized retained outside experts or consultants, if any, and any other reviewing party only for the purposes of prosecuting or defending this opposition and not for any business or other purpose whatsoever, including for their own use or for the use of their clients. All transcripts or documents containing Protected Material shall be returned to the producing party promptly upon the conclusion of this proceeding.

7. CONFIDENTIAL and CONFIDENTIAL – COUNSEL ONLY material shall be stored under the direct control of outside counsel for a party, who shall be responsible for preventing any disclosure thereof except in accordance with the terms of this Stipulation.

8. No CONFIDENTIAL or CONFIDENTIAL – COUNSEL ONLY material shall be filed in the public record of this matter. All information subject to CONFIDENTIAL or CONFIDENTIAL – COUNSEL ONLY treatment in accordance with the terms of this Stipulation and Order that is filed with the Board, and any pleadings, motions or other papers filed with the Board disclosing any CONFIDENTIAL or CONFIDENTIAL – COUNSEL ONLY information, shall be filed under seal. Where possible, only CONFIDENTIAL or CONFIDENTIAL – COUNSEL ONLY portions of filings with the Board shall be filed under seal.

9. A party which designates information as Protected Material shall have a reasonable basis for believing, in good faith, that the information requested is confidential, proprietary or commercial information upon which restrictions to access should be imposed before that party designates the information as Protected Material. In the event that a receiving party shall at any time disagree with the designation by the

producing party of any information as Protected Material, then the parties will first try, in good faith, to resolve such dispute on an informal basis before presenting the dispute to the Board by motion or otherwise. The Board may then determine whether the information should be considered Protected Material and, if so, may rule on what restrictions to access or disclosure should be imposed, if any. No party shall be obligated to challenge the propriety of the designation of Protected Material at the time of production, and a failure to do so shall not preclude a subsequent challenge as to the propriety of such designation.

10. This Stipulated Protective Order is without prejudice to the right of any party to seek relief from or modification of any provision contained in it after notice to the other party. This Stipulated Protective Order is without prejudice to the right of any party to move for a separate protective order relating to any particular document or information, including restrictions different from those specified herein, and/or to present other appropriate motions.

11. The restrictions set forth in any of the preceding paragraphs shall not apply to information or material that:

(a) was, is or becomes public knowledge, not in violation of this Stipulated Protective Order;


(b) is acquired by the non-designating party from a third party having the right to disclose such information or material; or

(c) was lawfully possessed by the non-designating party other than by virtue of this proceeding prior to full execution of this Stipulated Protective Order by the parties.

12. The parties agree to submit this Stipulated Protective Order for entry by the Board and to be bound by its terms prior and subsequent to entry by the Board.

Dated: ~~August~~ ^{September} 25, 2013

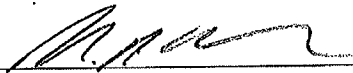
COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposers

By: 
Mary L. Kevlin
Richard S. Mandel

1133 Avenue of the Americas
New York, New York 10036
212-790-9200

Dated: ~~August~~ ^{September} 13, 2013

THE TRADEMARK COMPANY, PLLC
Attorneys for Applicant

By: 
Matthew H. Swyers, Esq.

344 Maple Avenue West, Suite 151
Vienna, VA 22180
800-906-8626

SO ORDERED this _____
day of _____

T.T.A.B.

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/373,925
Filed: July 18, 2011
For Mark: SOXX
Published in the Official Gazette: October 25, 2011

-----X	
BOSTON RED SOX BASEBALL CLUB LIMITED :	: Opposition No. 91204826
PARTNERSHIP, and CHICAGO WHITE SOX,	
LTD.,	
Opposers,	
v.	
INC INTERNATIONAL COMPANY,	
Applicant.	
-----X	

I, _____, hereby acknowledge that I have read
the Stipulated Protective Order entered in the above-entitled opposition and will not
directly or indirectly, use or allow use for any purpose or disclose to any person for any
purpose, any Protected Material covered by the aforesaid Order except as provided in
said Order and not for any business or other purpose whatsoever, and I hereby agree to be
bound by the terms of said Order.

Dated: _____ By: _____
Firm or Affiliation:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 9, 2013, I caused a true and correct copy of the foregoing *Stipulated Protective Order* to be served by First Class mail, postage pre-paid, on Applicant's Attorney and Correspondent of Record, Matthew H. Swyers, The Trademark Company PLLC, 344 Maple Avenue West, Suite 151, Vienna, VA 22180.

Dated: New York, New York
October 9, 2013

/Aryn M. Emert/
Aryn M. Emert